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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,299	09/02/1999	TETSUYA KOBAYASHI	03327.2220	5264

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,299

Applicant(s)

KOBAYASHI ET AL.

Examiner

Christian La Forgia

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment filed on 11 February 2003 is noted and made of record.
2. Claims 1 through 16 are presented for examination.
3. Claim 12 has been cancelled without prejudice as per applicant's request.

Drawings

4. The corrected or substitute drawings were received on 11 February 2003. These drawings are approved.

5. The Patent and Trademark Office no longer makes drawing changes. See 1017

O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected.

Corrections must be made in accordance with the instructions below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. **Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. **Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be

Art Unit: 2155

allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Response to Amendment

6. The amendment filed on 11 February 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Kosaka* and *Berg* references

7. The amendment filed on 11 February 2003 under 37 CFR 1.131 is sufficient to overcome the combination of *Kosaka* and *Yamagata*.

Response to Arguments

8. In response to the Applicant's arguments that *Kosaka* does not teach or suggest a means for notifying at least an identifier of the pausing job to an instruction apparatus, the examiner directs the applicant again to column 3, lines 33 to column 4, lines 24. The examiner specifically directs attention to where *Kosaka* discusses that the programs are linked, and one cannot and will not start executing until enabled by a program call.

Kosaka further goes on to teach a wait command, as the examiner interprets as a pause command, in column 3, lines 50 through 59. *Kosaka* discusses communication being exchanged between the two programs, as the Examiner interprets as a controller identifier where the first program notifies the second program that it can execute now.

9. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

Art Unit: 2155

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

10. Applicant's arguments, see Paper No. 6, Amendment A, filed 11 February 2003, with respect to the rejection(s) of claim(s) 13 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in light of the Applicant's amendment.

11. See further 35 USC § 102 and 35 USC § 103 rejections that follow.

Claim Rejections - 35 USC § 102

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,742,824 to Kosaka.

14. Regarding claim 16, Kosaka teaches a job execution control apparatus comprising:

15. means for storing a condition of a job which is directed to a pausing job (Figures 1 & 4; column 3, line 17 to column 4, line 24);

16. means for making the stored job pause in response to a predetermined event (Figures 1 & 4; column 3, line 17 to column 4, line 24);

17. means for notifying at least an identifier of the pausing job in response to a predetermined event (Figures 1 & 4; column 3, line 17 to column 4, line 24); and,

18. means for stopping at least one job instructed by the instruction apparatus among the pausing jobs (Figures 1 & 4; column 3, line 17 to column 4, line 24).

Claim Rejections - 35 USC § 103

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
20. Claims 1 through 9, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of United States Patent No. 5,999,911 to Berg et al, (hereinafter Berg).
21. As per claim 1, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:
22. means for setting a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,
23. means for making an execution of such a job satisfying the condition pause in response to a predetermined event (Figure 1; column 2, lines 29-42).
24. Kosaka does not teach:
25. means for displaying the pausing job; and
26. .means for specifying at least one job among the displayed jobs.
27. Berg teaches:
28. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and
29. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This combination would allow tasks to

Art Unit: 2155

be managed easier because a user could pause a task and execute a task that is suppose to execute before the paused task. It also allows a user to execute jobs that have a higher priority or greater precedence than other jobs that are being executed or queued.

30. Regarding claim 2, Kosaka teaches a means for stopping the specified job (Figure 1; column 2, lines 29-42).

31. With regards to claim 3, Kosaka teaches a means for restarting the specified job (Figure 1; column 2, lines 29-42; column 3, line 17 to column 4, line 24).

32. As per claim 4, Kosaka teaches that the condition of the job which is directed to the pausing job is specified by a kind of the job (Figures 1 & 3; column 2, lines 29-42; column 3, line 17 to column 4, line 24).

33. With regards to claim 5, Kosaka teaches the condition of the job which is directed to the pausing job is specified by a parameter of the job (Figures 1 & 3; column 3, line 17 to column 4, line 24).

34. As per claim 6, Kosaka does not teach the pausing job displaying means displays only the pausing job.

35. Berg teaches the pausing job displaying means displays only the pausing job (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to

Art Unit: 2155

combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This combination would allow tasks to be managed easier because a user could pause a task and execute a task that is suppose to execute before the paused task. It also allows a user to execute jobs that have a higher priority or greater precedence than other jobs that are being executed or queued.

36. As per claim 7, Kosaka does not teach the pausing job displaying means also displays jobs other than the pausing job.

37. Berg teaches the pausing job displaying means also displays jobs other than the pausing job (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This combination allows users to keep track of their jobs, and which ones that they have executing or paused. Without such a display, a user would most likely lose track of at least one job at one point in time. Therefore the display is an obvious feature to be included in Kosaka because it gives users a visual reminder of the jobs that they have left to perform.

38. Regarding claim 8, Kosaka does not teach the predetermined event is an instruction input operation from the user.

Art Unit: 2155

39. Berg teaches the predetermined event is an instruction input operation from the user (Figures 4 through 6 and 13 & 14; column 21, line 44 to column 23, line 30).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the input operation of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This combination allows users have greater control over their jobs, and where they can be paused or interrupted. This gives a user several options, such as troubleshooting the job, executing a job with higher priority, or granting precedence to another job.

40. As per claim 9, Kosaka does not teach the means for setting an additional condition under which the job pauses in addition to the condition set by the condition setting means.

41. Berg teaches the means for setting an additional condition under which the job pauses in addition to the condition set by the condition setting means (Figures 4 through 6 and 13 through 15; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the input operation of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This additional combination allows users have greater control over their jobs even more so, because it gives another condition where the jobs can be paused or interrupted. This, again, gives a user several options, such as troubleshooting the job, executing a job with higher priority, or granting precedence to another job.

42. As per claim 11, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:

43. means for storing a first condition satisfied by a job which is stopped without any restriction in response to a predetermined event and a second condition satisfied by a job which pauses in response to the predetermined event (Figure 1; column 2, lines 29-42);

44. means for stopping the job satisfying the first condition in response to the predetermined event (Figure 1; column 2, lines 29-42); and,

45. means for making the job satisfying the second condition pause in response to the predetermined event (Figure 1; column 2, lines 29-42).

46. Kosaka does not teach:

47. means for displaying at least the pausing job; and

48. means for designating at least one job from the displayed jobs to stop, or restart the designated job.

49. Berg teaches:

50. means for displaying at least the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and

51. means for designating at least one job from the displayed jobs to stop, or restart the designated job (Figures 13 & 14; column 21, line 44 to column 23, line 30).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.

52. As per claim 14, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:
53. means for setting a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,
54. means for making the stored job in response to a predetermined event (Figure 1; column 2, lines 29-42).
55. Kosaka does not teach:
56. means for displaying the pausing job; and
57. means for specifying at least one job among the displayed jobs.
58. Berg teaches:
59. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and
60. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed.
61. As per claim 15, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:
62. means for storing a condition of a job which is directed to a pausing job (Figure 1; column 2, lines 29-42); and,

Art Unit: 2155

63. means for making the stored job pause in response to a predetermined event (Figure 1; column 2, lines 29-42).

64. Kosaka does not teach:

65. means for displaying the pausing job; and

66. means for specifying at least one job among the displayed jobs.

67. Berg teaches:

68. means for displaying the pausing job (Figures 5, 6, 13 & 14; column 9, lines 17-50; column 21, line 44 to column 23, line 30); and

69. means for specifying at least one job among the displayed jobs (Figures 13 & 14; column 21, line 44 to column 23, line 30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the display means of Berg with the system of Kosaka, because it would create an easier way to manage the various tasks that are being executed. This combination would allow tasks to be managed easier because a user could pause a task and execute a task that is suppose to execute before the paused task. It also allows a user to execute jobs that have a higher priority or greater precedence than other jobs that are being executed or queued.

70. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of Berg as applied to claim 9 above, and further in view of United States Patent No. 6,223,091 to Powell.

71. As per claim 10, Kosaka and Berg do not teach the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job.

Art Unit: 2155

72. Powell teaches the additional condition to be defined as to whether the job corresponds to a background job, or a foreground job (column 2, lines 33-44). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the definition of the condition as defined by Powell to the system of Berg and Kosaka, because it would create an easier way to manage the various tasks that are being executed, by determining which tasks were of greater importance. It would manage jobs, by letting trivial jobs execute in the background, while more important jobs executed in the foreground, in full control of the user.

73. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka in view of United States Patent No. 4,570,217 to Allen et al., (hereinafter Allen).

74. As per claim 13, Kosaka teaches a job execution control apparatus capable of executing a plurality of jobs in a parallel manner, comprising:

75. means for storing a condition of a job which is directed to a pausing job (Figures 1 & 4; column 3, line 17 to column 4, line 24); and,

76. means for making the job which satisfies the condition pause when the predetermined key is operated (Figures 1 & 4; column 3, line 17 to column 4, line 24).

77. Kosaka does not teach:

78. a display means provided with a touch panel function, for displaying information related to one job that is being executed;

79. means for displaying a button for instructing a stop of the one job on the display means;

Art Unit: 2155

80. means for stopping the one job when a touch operation is carried out with respect to the displayed button; and,
81. a predetermined key provided on a portion except for the display means.
82. Allen teaches:
83. a display means provided with a touch panel function, for displaying information related to one job that is being executed (Figures 5a, 5b, 5c, 11-1, 13, 17c, & 17d; column 3, lines 45-63; column 4, lines 34-49; column 19, lines 30-58; column 20, lines 26-43; column 26, lines 3-10; column 27, line 10 to column 28, line 3; column 38, lines 32-67);
84. means for displaying a button for instructing a stop of the one job on the display means (Figures 5a, 5b, 5c, 11-1, 13, 17c, & 17d; column 3, lines 45-63; column 4, lines 34-49; column 19, lines 30-58; column 20, lines 26-43; column 26, lines 3-10; column 27, line 10 to column 28, line 3; column 38, lines 32-67);
85. means for stopping the one job when a touch operation is carried out with respect to the displayed button (Figures 5a, 5b, 5c, 11-1, 13, 17c, & 17d; column 3, lines 45-63; column 4, lines 34-49; column 19, lines 30-58; column 20, lines 26-43; column 26, lines 3-10; column 27, line 10 to column 28, line 3; column 38, lines 32-67); and,
86. a predetermined key provided on a portion except for the display means (Figures 5a, 5b, 5c, 11-1, 13, 17c, & 17d; column 3, lines 45-63; column 4, lines 34-49; column 19, lines 30-58; column 20, lines 26-43; column 26, lines 3-10; column 27, line 10 to column 28, line 3; column 38, lines 32-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the touch panel function of Allen with the system of Kosaka, because it would incorporate a quicker and more efficient way to manage the various jobs that are being executed.

Conclusion

87. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

88. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

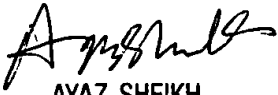
89. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.

90. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications.

91. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian LaForgia
Patent Examiner
Art Unit 2155

clf
March 3, 2003


AYAZ SHEIKH
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